



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 31, Room 5B-35
31 Center Drive, MSC 2107
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

April 29, 2019

Via email: 44932-82414847@requests.muckrock.com

Mr. Emmanuel Freudenthal
DEPT MR 44932
411 A Highland Avenue
Somerville, MA 02144-2516

Re: FOIA Case No. 48501

Dear Mr. Freudenthal:

This is the final response to your October 12, 2018, Freedom of Information Act (FOIA) request addressed to the National Institutes of Health (NIH), which was received in that office the same day. You requested the following records:

- 1) Any photos taken during the mission to transport Ebola blood samples from Liberia to the US towards the end of 2016. This includes photos by employees as part of their work on this official mission, or photos by third party contractors;
- 2) Any contracts or agreements with Phoenix Air to supply their services for the mission to transport Ebola blood samples from Liberia to the US towards the end of 2016 (signed by any institution such as CDC, DTRA, NIH, etc.);
- 3) Any contracts or agreements with Sandia that you have at hand from 01 July 2013 and today regarding their work in Liberia (signed by any institution such as CDC, DTRA, NIH, etc.);
- 4) Any Chain of Custody documents signed for the shipping of any Ebola blood samples from Liberia to the USA between 01/01/16 and 31 December 17;
- 5) Any documents with information linked to blood samples that were transported from Liberia to the US from 01/01/17 to 01/11/17 (e.g. the name of the patient, their origin, their gender, their clinical signs etc.);
- 6) The agreement between Liberia and the US (signed by the Ambassador of the US in Liberia) signed around September 2016 for the transport of Ebola blood samples from Liberia to the US; and
- 7) Any inventory of Ebola blood samples held by the US that were brought from Liberia, including samples held at Fort Detrick and Rocky Mountain Lab.

On October 24, 2018 you amended your request to exclude Items 5 and 7.

The NIAID conducted a search for records and located 4 pages that have been referred to the State Department for direct response to you. You can contact the State Department FOIA Office with any questions at:

U. S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
SA-2, Suite 8100
Washington, D. C. 20522-0208
(202) 261-8484
RobinsonKN@state.gov

There were no records found that were responsive to Items 2 and 3 of your request. An additional 841 photographs responsive to Item 1 of your request, and 7 pages responsive to Item 4 were also located. I have determined to withhold those records in their entirety under FOIA exemption (b)(3). Specifically, the information withheld is protected from release pursuant to Exemption 3 of the FOIA, in view of U.S.C. Title 7, Section 8401, Regulation of certain biological agents and toxins. This legislation is intended to prevent the disclosure of individuals and locations associated with select agents.

You have the right to appeal this determination to deny you access to information in the Agency's possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart F of the HHS FOIA Regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>) to:

Assistant Secretary for Public Affairs
Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you are not satisfied with the processing and handling of this request, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Stephanie Clipper
Public Affairs Specialist
Office of Communications and Public Liaison
Building 1, Room 131
1 Center Drive
Bethesda, MD 20814
301-496-2411 (phone)
nihfoia@mail.nih.gov (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd – OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

In certain circumstances provisions of the FOIA and Department of Health and Human Services FOIA Regulations allow us to recover part of the cost of responding to your request. Because the cost is below the \$25 minimum, there are no charges associated with our response.

If you have any questions about this response, please call 301-496-5633.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gorka Garcia-Malene', with a long horizontal flourish extending to the right.

Gorka Garcia-Malene
Freedom of Information Office